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15 BEFORE THE  
16 DEPARTMENT OF SOCIAL SERVICES  
17 STATE OF CALIFORNIA  
18

19 IN THE MATTER OF:  
20

21 BEDFORD CARE GROUP  
22 2380 E. El Paso Ave  
23 Fresno, CA 93720  
24 Facility No. 1

CDSS No. 7114342102  
OAH No.

**ACCUSATION**  
(License Revocation)

25 BEDFORD CARE GROUP  
26 2657 Skyview  
27 Fresno, CA 93720  
Facility No. 2

CDSS No. 7114342102B

**ACCUSATION**  
(License Revocation)

28 BEDFORD CARE GROUP  
29 1115 E. Pinehurst  
30 Fresno, CA 93730  
31 Facility No. 3

CDSS No. 7114342102C

**ACCUSATION**  
(License Revocation)

32 BEDFORD CARE GROUP  
33 2846 E. Jon Drive  
34 Fresno, CA 93720  
35 Facility No. 4

CDSS No. 7114342102D

**ACCUSATION**  
(License Revocation)

36 BEDFORD CARE GROUP  
37 2617 E. Shea Drive  
38 Fresno, CA 93720  
39 Facility No. 5

CDSS No. 7114342102E

**ACCUSATION**  
(License Revocation)

40 BEDFORD CARE GROUP  
41 272 W. Everglade  
42 Clovis, CA 93619  
43 Facility No. 6

CDSS No. 7114342102F

**ACCUSATION**  
(License Revocation)

STEPHANIE COSTA

CDSS No. 7114342102G

**ACCUSATION**  
(Exclusion Action)

STEPHANIE COSTA

CDSS No. 7114342102H

**ACCUSATION**  
(Revocation and Forfeiture of  
Administrator Certificate)

Respondent.

### JURISDICTION

1. This matter arises under the California Residential Care Facilities for the Elderly Act, Health and Safety Code section 1569 *et seq.*, which governs the licensing and operation of residential care facilities for the elderly.

2. The regulations which govern the licensing and operation of residential care facilities for the elderly are contained in California Code of Regulations, title 22, section 87100 *et seq.*<sup>1</sup>

3. The California Department of Social Services ("Department") is the agency of the State of California responsible for the licensing and inspection of residential care facilities for the elderly and for certifying individuals to be administrators of residential care facilities for the elderly.

4. The Department may prohibit a licensee from employing, continuing the employment of, allowing in, or allowing contact with clients of a licensed facility by any employee, prospective employee, or other person who is not a client of an adult residential facility pursuant to Health and Safety Code section 1569.58 and may revoke or deem forfeited the certificate of an administrator pursuant to Health and Safety Code section 1569.616(h)(2) and Regulation section 87408(a).

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<sup>1</sup> Subsequent references to any regulation section(s) are to Title 22 of the California Code of Regulations.

5. Administrative proceedings before the Department must be conducted in conformity with the provisions of the California Administrative Procedure Act, Chapter 5, Government Code section 11500 *et seq.*

6. Pursuant to Health and Safety Code section 1569.52, the Department may institute or continue a disciplinary proceeding against a licensee following the suspension, expiration, or forfeiture of a license and may revoke or deem forfeited the certificate of an administrator pursuant to Health and Safety Code sections 1550 and 1562.3.

7. Pursuant to Health and Safety Code section 1569.58(f), the Department may institute or continue a disciplinary proceeding against a person following the resignation, withdrawal of employment application, or change of duties, or any discharge, failure to hire, or reassignment of the person by the licensee or if the person no longer has contact with clients of the facility.

8. Pursuant to Health and Safety Code sections 1569.51(b) and 1569.58(e), the standard of proof to be applied in this proceeding is the preponderance of evidence.

## THE PARTIES

9. Complainant **PAMELA DICKFOSS** is the Deputy Director of the Community Care Licensing Division of the Department. Pursuant to Government Code section 11503, Complainant files this Accusation in her official capacity.

10. Respondent **BEDFORD CARE GROUP** is a corporation which was licensed by the Department to operate a residential care facilities for the elderly at the following locations:<sup>2</sup>

A. 2380 E. El Paso Ave, Fresno, CA 93720 ("Facility No. 1").

<sup>2</sup> The corporation has declared bankruptcy, and the facilities are now operating under a different corporate licensee.

1 Facility No. 1 was initially licensed on March 20, 2006. A copy of Respondent's most  
2 recent license setting forth the capacity, limitations, and effective dates accompanies  
3 this Accusation as **ATTACHMENT A** and is incorporated by reference.

4 B. 2657 Skyview, Fresno, CA 93720 ("Facility No. 2"). Facility  
5 No. 2 was initially licensed on April 26, 2007. A copy of Respondent's most  
6 recent license setting forth the capacity, limitations, and effective dates  
7 accompanies this Accusation as **ATTACHMENT B** and is incorporated by  
8 reference.

9 C. 1115 E. Pinehurst, Fresno, CA 93730 ("Facility  
10 No. 3"). Facility No. 3 was initially licensed on December 7, 2007. A copy of  
11 Respondent's most recent license setting forth the capacity, limitations, and  
12 effective dates accompanies this Accusation as **ATTACHMENT C** and is  
13 incorporated by reference.

14 D. 2846 E. Jon Drive, Fresno, CA 93720 ("Facility  
15 No. 4"). Facility No. 4 was initially licensed on May 12, 2008. A copy of  
16 Respondent's most recent license setting forth the capacity, limitations, and  
17 effective dates accompanies this Accusation as **ATTACHMENT D** and is  
18 incorporated by reference.

19 E. 2617 E. Shea Drive, Fresno, CA 93720 ("Facility No. 5").  
20 Facility No. 5 was initially licensed on October 13, 2009. A copy of Respondent's  
21 most recent license setting forth the capacity, limitations, and effective dates  
22 accompanies this Accusation as **ATTACHMENT E** and is incorporated by  
23 reference.

24 F. 272 W. Everglade, Clovis, CA 93619 ("Facility No. 6").  
25 Facility No. 6 was initially licensed on October 21, 2011. A copy of Respondent's  
26 most recent license setting forth the capacity, limitations, and effective dates  
27 accompanies this Accusation as **ATTACHMENT F** and is incorporated by

1 reference.

2 11. Respondent **STEPHANIE COSTA** was the President and Chief  
3 Executive Officer of Bedford Care Group.

4 12. Respondent **STEPHANIE COSTA** was certified on September 9, 2013  
5 to be a residential care facility for the elderly administrator. A copy of Respondent's  
6 most recent administrator certificate accompanies this Accusation as **ATTACHMENT G**  
7 and is incorporated by reference.

8 13. Respondent **STEPHANIE COSTA** was the administrator of Facility No.  
9 2, Facility No. 4 and Facility No. 6 at the time that the allegations in this Accusation  
10 occurred.

11 14. Respondent **BEDFORD CARE GROUP**, by virtue of licensure, must  
12 operate in accordance with the statutes and regulations governing the licensing and  
13 operation of residential care facilities for the elderly. Respondent **STEPHANIE COSTA**,  
14 by virtue of employment, prospective employment, presence in or contact with clients of  
15 a residential care facility for the elderly, is subject to the jurisdictional provisions of  
16 Health and Safety Code section 1569.58. Respondent **STEPHANIE COSTA**, by virtue  
17 of administrator certification, must comply with the statutes and regulations governing  
18 the certification of administrators pursuant to Health and Safety Code section 1569.616  
19 and Regulation sections 87408 and 87409. Copies of the applicable statutes and  
20 regulations accompany this Accusation as **ATTACHMENT H** and are incorporated by  
21 reference.

22 **FACTUAL ALLEGATIONS**

23 **FACILITY NO. 1**

24 **SUBJECT MATTER:** PLAN OF OPERATION/ BUILDINGS AND GROUNDS/FIRE  
25 SAFETY

26 **APPLICABLE LAW:** Health and Safety Code sections 1569.50(a)-(b)  
27 and 1569.58(a)(1)

Regulation sections 87208(a)(7)(A), 87305(a), 87202 and  
87203

ALLEGATIONS:

15. On or about March 28, 2013, Respondents had added a room to Facility No. 1 without informing the Department or obtaining an updated fire clearance.

FACILITY NO. 2

SUBJECT MATTER: HOSPICE CARE

APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b)  
and 1569.58(a)(1)

Regulation sections 87633(a)(4), 87632 and 87209(a)(2)

ALLEGATIONS:

16. From approximately September 25, 2014 to October 29, 2014, Adult No. 1 lived in Facility No. 2 while receiving hospice services without a hospice care plan on file.

17. From approximately September 30, 2014 October 10, 2014, Adult No. 2 lived in Facility No. 2 while receiving hospice services without a hospice care plan on file.

18. On or about October 29, 2014, three residents were living in Facility No. 2 and receiving hospice services. Facility No. 2 had a hospice care waiver for two residents. The residents were Adult No. 1, Adult No. 2 and Adult No. 3.

SUBJECT MATTER: ADMINISTRATION OF MEDICATION/PERSONAL RIGHTS

APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b)  
and 1569.58(a)(1)

Regulation section 87465(a)(5)

ALLEGATIONS:

19. On or about October 29, 2014 at Facility No. 2, Adult No. 3 received her noon dose of methadone at 1:25 p.m. The previous dose had been administered at 6:00

1 a.m. Adult No. 3's Physician's Plan of Care required the methadone to be administered  
2 every six hours for pain.

3 SUBJECT MATTER: CRIMINAL RECORD CLEARANCE

4 APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b),  
5 1569.58(a)(1) and 1569.17  
6 Regulation section 87355(e)

7 ALLEGATIONS:

8 20. On or about April 25, 2013, Staff member Victor Escua was working in  
9 Facility No. 2 without a criminal record clearance associated to the facility.

10 FACILITY NO. 3

11 SUBJECT MATTER: PROHIBITED HEALTH CONDITIONS/ACCEPTANCE AND  
12 RETENTION LIMITATIONS

13 APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b)  
14 and 1569.58(a)(1)  
15 Regulation sections 87455(a) and 87615

16 ALLEGATIONS:

17 21. From approximately June 9, 2014 to July 17, 2014, Adult No. 4 lived in  
18 Facility No. 3 while she had a central line implanted for the administration of  
19 medications.

20 SUBJECT MATTER: PLAN OF OPERATION/BUILDINGS AND GROUNDS/FIRE  
21 SAFETY

22 APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b)  
23 and 1569.58(a)(1)  
24 Regulation sections 87208(a)(7)(A), 87305(a), 87202 and  
25 87203

26 ALLEGATIONS:

27 22. On or about April 22, 2013, Adult No. 5, Adult No. 6, Adult No. 7 and

Adult No. 8 were non-ambulatory and were living in rooms in Facility No. 3 that had received a fire-clearance for ambulatory residents only.

**FACILITY NO. 4**

**SUBJECT MATTER:** HOSPICE CARE

**APPLICABLE LAW:** Health and Safety Code sections 1569.50(a)-(b)  
and 1569.58(a)(1)  
Regulation section 87633(a)(4)

**ALLEGATIONS:**

23. On or about April 25, 2013, Adult No. 9 was living in Facility No. 4 and receiving hospice services without a hospice care plan on file.

**SUBJECT MATTER:** CRIMINAL RECORD CLEARANCE

**APPLICABLE LAW:** Health and Safety Code sections 1569.50(a)-(b),  
1569.58(a)(1) and 1569.17  
Regulation section 87355(e)

**ALLEGATIONS:**

24. On or about April 22 and 23, 2013, staff member Erwin Cadiz was working in Facility No. 4 without a criminal record clearance.

**SUBJECT MATTER:** PERSONAL RIGHTS

**APPLICABLE LAW:** Health and Safety Code sections 1569.50(a)-(b)  
and 1569.58(a)(1)  
Regulation section 87468(a)(1)

**ALLEGATIONS:**

25. On or about December 28, 2014, Adult No. 10 was transported from Facility No. 4 to the hospital. At the hospital, in the presence of Adult No. 10, Respondent Stephanie Costa engaged in a verbal altercation with Adult No. 10's friend, causing hospital staff to ask Respondent to leave the bedside in order to ensure patient safety.



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**FACILITY NO. 5**

SUBJECT MATTER: PLAN OF OPERATION/BUILDINGS AND GROUNDS/FIRE SAFETY

APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b) and 1569.58(a)(1)  
Regulation sections 87208(a)(7)(A), 87305(a), 87202 and 87203

**ALLEGATIONS:**

26. On or about April 25, 2013, Respondents had added a room to Facility No. 5 without informing the Department or obtaining a fire clearance.

SUBJECT MATTER: CRIMINAL RECORD CLEARANCE

APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b), 1569.58(a)(1) and 1769.17  
Regulation section 87355(e)

**ALLEGATIONS:**

27. On or about April 25, 2013, staff member Shen Shan Wu was working at Facility No. 5 without a fingerprint clearance associated to the facility.

SUBJECT MATTER: HEALTH-RELATED SERVICES/FIRE SAFETY

APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b) and 1569.58(a)(1)  
Regulation section 87618(b)(3)(B)

**ALLEGATIONS:**

28. On or about April 25, 2013, two residents were using oxygen tanks in Facility No. 5, and no warning signs were posted.

**FACILITY NO. 6**

SUBJECT MATTER: DIABETES CARE

APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b)

1 and 1569.58(a)(1)

2 Regulation sections 87628(a) and 87629

3 ALLEGATIONS:

4 29. On or about October 29, 2014, Adult No. 11 was living in Facility No. 6  
5 and receiving care for diabetes. He was unable to perform his own glucose testing, and  
6 Facility No. 6 did not have an appropriately skilled professional on staff to assist him.

7 SUBJECT MATTER: FALSE CLAIMS

8 APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b)  
9 and 1569.58(a)(1)

10 Regulation section 87207

11 ALLEGATIONS:

12 30. On or about October 29, 2014, Respondent Stephanie Costa and staff  
13 member Marilyn Hernandez falsely stated to a Department representative that Adult No.  
14 11 did not require glucose testing. Adult No. 11 did require glucose testing and was  
15 unable to perform the testing independently because both his hands had been  
16 amputated.

17 SUBJECT MATTER: CRIMINAL RECORD CLEARANCE

18 APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b)  
19 1569.58(a)(1) and 1569.17

20 Regulation section 87355(e)

21 ALLEGATIONS:

22 31. On or about April 12 through April 16, 2013, staff members Anita Gilroy  
23 and Apolinario Perez were working in Facility No. 6 without criminal record clearances.

24 SUBJECT MATTER: PROHIBITED HEALTH CONDITIONS

25 APPLICABLE LAW: Health and Safety Code sections 1569.50(a)-(b)  
26 and 1569.58(a)(1)

27 Regulation section 87615

1 ALLEGATIONS:

2 32. From approximately June 16, 2012 to June 20, 2012, Adult No. 12  
3 resided in Facility No. 6 while he had a feeding tube.

4 SUBJECT MATTER: CONDUCT INIMICAL

5 APPLICABLE LAW: Health and Safety Code sections 1569.50(c) and  
6 1569.58(a)(2)

7 ALLEGATIONS:

8 33. Respondent Stephanie Costa engaged in conduct that is inimical to the  
9 health, morals, welfare, or safety of either an individual in or receiving services from the  
10 facility, or the people of the State of California as follows:

11 A. On or about March 30, 2014, Respondent kicked the garage  
12 door of the home belonging to Adult No. 13, causing damage;

13 B. On or about March 30, 2014, Respondent kicked a bedroom  
14 door inside the home belonging to Adult No. 13, causing damage;

15 C. On or about March 30, 2014, Respondent scratched Adult No.  
16 13 on the face, causing injury;

17 D. On or about July 19, 2014, Respondent slapped and  
18 scratched Adult No. 13, causing injury.

19 34. Respondents Stephanie Costa and Bedford Care Group engaged in  
20 conduct that is inimical to the health, morals, welfare, or safety of either an individual in  
21 or receiving services from the facility, or the people of the State of California as alleged  
22 in paragraphs 15 through 33, above, and incorporated here by reference.

23 SUBJECT MATTER: ADMINISTRATOR QUALIFICATIONS

24 APPLICABLE LAW: Health and Safety Code section 1569.616(h)(1)-(2)  
25 \*Regulation sections 87405(d), 87408(a) and 87409(a)

26 ALLEGATIONS:

27 35. By virtue of the facts alleged in paragraphs 15 through 34, Respondent

Stephanie Costa has demonstrated a lack of knowledge of and ability to conform to the applicable laws, rules and regulations and has failed to demonstrate good character and a continuing reputation of personal integrity as required of an administrator.

#### **CAUSE FOR DISCIPLINE**

36. The facts alleged in paragraphs 15 through 32 , individually and/or jointly, constitute violations of licensing laws. These facts provide cause, pursuant to Health and Safety Code section 1569.50(a)-(b) to revoke Respondent Bedford Care Group's license to operate the facilities.

37. The facts alleged in paragraphs 15 through 34, individually and/or jointly, constitute conduct by Respondent Bedford Care Group which is inimical to the health, morals, welfare, or safety of either an individual in, or receiving services from, the facility or the people of the State of California. These facts provide cause, pursuant to Health and Safety Code section 1569.50(c), to revoke the license to operate the facility.

38. The facts alleged in paragraphs 15 through 32 , individually and/or jointly, constitute violations of licensing laws. These facts provide cause, pursuant to Health and Safety Code section 1569.58(a)(1) to prohibit Respondent Stephanie Costa's employment in, presence in, and contact with clients of, any facility licensed by the Department or certified by a licensed foster family agency and from holding the position of member of the board of directors, executive director, or officer of the licensee of any facility licensed by the Department.

39. The facts alleged in paragraphs 15 through 34 , individually and/or jointly, constitute conduct by Respondent Stephanie Costa which is inimical to the health, morals, welfare or safety of either an individual in or receiving services from the facility, or the people of the State of California. These facts provide cause pursuant to Health and Safety Code section 1569.58(a)(2) to prohibit Respondent Stephanie Costa's employment in, presence in, and contact with clients of, any facility licensed by the Department or certified by a licensed foster family agency and to prohibit her from

1 holding the position of member of the board of directors, executive director, or officer of  
2 the licensee of any facility licensed by the Department.

3 40. The facts alleged in paragraphs 15 through 34, individually and/or jointly,  
4 constitute cause pursuant to Health and Safety Code section 1569.616(h) and  
5 Regulation sections 87408 and 87409 to revoke and deem forfeited Respondent's  
6 administrator certificate for residential care facilities for the elderly as a result of an  
7 order excluding Respondent pursuant to Health and Safety Code section 1569.58.


8 **PETITION FOR RELIEF**

9 41. WHEREFORE, Complainant requests that Respondent **BEDFORD**  
10 **CARE GROUP's** license to operate the residential care facilities for the elderly be  
11 revoked.

12 42. WHEREFORE, Complainant requests that Respondent **STEPHANIE**  
13 **COSTA** be prohibited for the remainder of Respondent's life, from employment in,  
14 presence in, and from contact with clients of, any facility licensed by the Department or  
15 certified by a licensed foster family agency and from holding the position of member of  
16 the board of directors, executive director, or officer of the licensee of any facility  
17 licensed by the Department.

18 43. WHEREFORE, Complainant requests that Respondent **STEPHANIE**  
19 **COSTA's** administrator certificate for residential care facilities for the elderly be revoked  
20 and deemed forfeited.

21 DATED: AUG 10 2015

22  
23   
24 PAMELA DICKFOSS  
25 Deputy Director  
26 Community Care Licensing Division  
27 California Department of Social Services

## DELEGATION

1. I hereby delegate to JoAnn Hirai, as Chief of Investigations Branch, Mary Jolls as Program Administrator of Adult and Senior Care Program, Kathi Mowers-Moore, as Chief of the Central Operations Branch, Lori Starnes, Chief of the Technical Assistance and Policy Branch, Angela Valdez, Program Administrator for Children's Residential Program, Paula d'Albenas, Program Administrator for the Child Care Program; Evon Lenerd, Chief of Continuing Care Contracts Branch my power to issue the following administrative pleadings under the Administrative Procedure Act, Government Code Section 11500 et seq.:
  - (a) Accusations and orders for temporary license suspension prior to hearing, pursuant to Health and Safety Code Sections 1550, 1550.5, 1568.082, 1569.50, 1569.51, 1569.885, or 1596.886.
  - (b) Statements of Issues pursuant to Health and Safety Code Sections 1526, 1568.063, 1569.22, or 1596.879.
  - (c) Orders to require that an employee or prospective employee of a facility not work or be present in a facility pending a final decision of the matter, pursuant to Health and Safety Code Sections 1558, 1568.066, 1569.58, or 1596.8897. They may exercise this power when, in their opinion, the action is necessary to protect the residents or clients from physical or mental abuse, abandonment, or any other substantial threat to the health and safety of the residents or clients.
  - (d) Settlement agreements regarding any of the preceding administrative pleadings pursuant to Government Code section 11415.60.
2. These delegations are made pursuant to Government Code Section 7. They shall remain in effect until explicitly revoked.

DATE: 9/21/2014



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WILL LIGHTBOURNE  
Director  
California Department of Social Services